IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1004 OF 2006.
IN
SECOND APPEAL NO. 11 OF 2006.

Kakasaheb Maruti Dhembre & anr. ... Applicants.
Versus.
Shivaji Buvasaheb Deshmukh
and others. ... Respondents.

Shri M.A.Utagikar for the Applicants.

Ms.Nisha Valani for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 19th July, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. The prayer in this Application made by the Respondent in the Second Appeal is for injunction.

2. My attention has been invited to the order dated 19th January 2006 passed by this Court in the Second Appeal while admitting the Second Appeal. By the said order, operation of the impugned Judgment and Decree passed in favour of the original Plaintiffs (Applicants in this Civil Application) has been stayed. Thus the decree of injunction which was passed in favour of the present applicants is no longer operating. By the present Application, the Applicants have prayed for injunction. After the decree of injunction passed in favour of the Applicants is stayed by this Court, the

injunction cannot be granted in favour of the Applicants. The order dated 19th November 2006 granting stay was passed after hearing the present Applicants. Hence no case is made out for grant of interim relief.

The Application is rejected.

Judge.